

MINUTES

UTAH FUNERAL SERVICE BOARD MEETING

July 11, 2007

**Room 402 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 8:30 A.M.

ADJOURNED:

**Bureau Manager:
Board Secretary:**

Noel Taxin
Karen McCall

Board Members Present:

Joseph Thalman
Allyn Walker
Reginal V. Ecker
Mary Bearson
Craig McMillan

Board Members Absent:

Mark Walker
Shaun Meyers, Chairperson

DOPL Staff Present:

David Stanley, Division Director
Mitchell Jones, AG

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Board Chairperson

Noel Taxin was requested to act as Chairperson in the absence of Shaun Meyers at this time.

MINUTES:

Reading the minutes from the May 31, 2007 meeting were deferred to the September 20, 2007 Board meeting.

APPOINTMENTS:

8:45 A.M.

Rules Review

Ms. Taxin explained that the main purpose of the meeting today is to review the proposed Rules. She stated that she made a few revisions and added some brackets but the content is the same as the Board reviewed previously.

Ms. Taxin stated that Allyn Walker voiced a question or comment that was not addressed in this revision. She asked that anyone who may have additional revisions to bring them up today. Ms. Taxin stated that the minor revisions she will be able to make and then file the proposed Rules but if there are some major changes the Board will have to meet again to review them.

Allyn Walker referred the Board to R156-9-616(1)(b). He explained that this section requires annual reports to be signed by a CPA. Allyn Walker stated that if the preneed sales agent is selling by insurance the CPA would have no way of verifying the report.

Allyn Walker commented that there should be 2 sections, one for trust accounts and one for insurance accounts. He stated that the CPA could verify the trust accounts and the insurance companies should verify the insurance accounts when they provide their annual reports to the Funeral Service Establishment.

Ms. Taxin stated that she will ask Mitchell Jones, AG, if the annual report should require a CPA signature or if this could be an agreed upon procedure that would not require a CPA signature.

Mr. McMillan suggested the proposed Rules have 3 options so it would read: “(1) a report from a bank trust department, (2) a report from a licensed insurance company, or (3) a report of agreed upon procedures on forms available from the division or their equivalent completed by an independent certified public accountant licensed under Title 58, Chapter 26a, which reports upon:” Mr. McMillan stated that the form indicates that the CPA must sign all reports.

Ms. Taxin responded that she can change the form to reflect that the CPA signature is only required when the annual report is from a bank trust department.

Mr. Jones stated that commas should be included to

separate the 3 areas.

Mr. Jones stated that if the CPA information was deleted the Rule would make more sense but then it would eliminate the CPA requirement completely. He asked if the Division provides the annual report forms.

Ms. Taxin responded that the forms were developed by the Division and are available on the website.

Mr. McMillan and Allyn Walker explained that all reports from banks are signed by the CPA.

Mr. Jones requested a copy of the form to review.

Ms. Taxin supplied a copy of the form for Mr. Jones.

Allyn Walker requested the Board to review R156-9-302a(2) under Qualifications for Licensure. He asked if the passing score for the Utah Laws and Rules test is 100% correct or if someone could miss some.

Ms. Taxin responded that applicants are required to pass the test with 100% correct at this time. She explained that Mr. Jones recommended a percent not be put in the Rules in case the examination and passing score change.

Ms. Taxin explained that Mr. Stanley met before the Administrative Rules Committee regarding the inconsistency of the DOPL Laws and Rules regarding supervision definitions. She stated that Mr. Stanley was requested to visit each Board and obtain a recommendation regarding their specific definitions of supervision. Ms. Taxin read the letter Mr. Stanley provided to her for review. She then read the recommended global definitions for direct, indirect and general supervision. She explained that the global definitions would not replace the existing definitions.

Ms. Taxin asked the Board to review and make a recommendation regarding adopting the global definitions with no modifications, adopting the global definitions with some modifications or not adopting the global definitions.

Ms. Taxin commented that she understood that the supervising Funeral Service Director supervised all 50 of the required embalmings. She stated that if this is not correct the Rules should be changed.

Mr. McMillan responded that the required 50 embalmings is just a number of embalmings that must be completed. He explained that in a rural area it may take more than a year to complete 50 embalmings where at his facility 50 embalmings might be completed in 10 days.

Mr. Ecker stated that he will assign Interns to work with other Funeral Service Directors to get a well-rounded experience.

Ms. Taxin suggested the Rule read that the assigned funeral director must be physically present and supervise or may appoint another funeral director in his absence to supervise.

Following discussion Mr. McMillan made a motion that supervision of an Intern be direct supervision by the appointed supervisor unless the appointed supervisor appoints another supervisor in his absence.

Mr. Thalman seconded the motion.

The Board vote was unanimous.

Mr. Jones requested the Board go back to the CPA signing reports. He stated that if the requirement is going to be in the Rules the Division needs to enforce the requirement. Mr. Jones stated that the forms should probably be changed to be clear on the intent. He stated that the **and** applies to all 3 options of (1) requiring the CPA signature on reports from a bank trust department, (2) a report from a licensed insurance company or (3) a report of agreed upon procedures on forms available from the division or their equivalent but may only apply to option 3. Mr. Jones recommended this section be changed to read: (b) at least one of the following reports which reconciles all trust account balances and insurance in force to the

annual report: (i) a report from a bank trust department; (ii) a report from a licensed insurance company; or (iii) a report of agreed upon procedures on forms available from the division completed by an independent certified public accountant licensed pursuant to Title 58, Chapter 26a.

Mr. McMillan made a motion to accept Mr. Jones proposed language of revising R156-9-616. Reporting Requirements. (1)(b)(iii) to read: (b) at least one of the following reports which reconciles all trust account balances and insurance in force to the annual report: (i) a report from a bank trust department; (ii) a report from a licensed insurance company; or (iii) a report of agreed upon procedures on forms available from the division completed by an independent certified public accountant licensed pursuant to Title 58, Chapter 26a. Mr. McMillan's motion continued that Ms. Taxin should make the revisions and file the proposed Rules as soon as possible.

Mr. Thalman seconded the motion.

The Board vote was unanimous.

Ms. Taxin stated that she will make the revisions, write her justification and give the proposed Rules to the attorneys for review. She stated that she will try to get a Rules Hearing scheduled for the September 20, 2007 Board meeting date. She explained that Board members are not required to attend the Rules Hearings but she would appreciate having at least the Board chairperson attend. Ms. Taxin stated that Ms. McCall will notify the Board members when the date has been finalized.

DISCUSSION ITEMS:

Supervision Definitions

Ms. Taxin explained that this item was discussed during the Rules discussion.

Review Proposed Test Questions

Ms. Taxin explained that the Board discussed writing test questions to be included in the application. She stated that some Board members wrote questions and submitted them to her for review today during the

meeting.

Ms. Bearnson made a motion to close the meeting to review test questions.

Mr. McMillan seconded the motion.

The Board vote was unanimous.

Following the review, Allyn Walker made a motion to reopen the meeting.

Mr. Ecker seconded the motion.

The Board vote was unanimous.

Allyn Walker made a motion to approve the questions reviewed and have them written into the application for the Funeral Service Director, the Funeral Service Intern application and the Preneed Sales Agent Application.

Ms. Bearnson seconded the motion.

The Board vote was unanimous.

Ms. Taxin explained that she has to justify the changes and then the attorneys review. She stated that a Rules Hearing is scheduled after all the reviews. Ms. Taxin stated that the Board is not required to attend the Rules Hearing but she would appreciate having at least the Board chairperson attend. Ms. Taxin stated that she will try to arrange the Rules Hearing for the September 20, 2007 Board meeting date and Ms. McCall will notify the Board.

Board Chairperson

Ms. Taxin informed the Board that Mr. Meyers and Mr. McMillan will be going off the Board and she has had only one name submitted. She stated that she will need another name.

Ms. Taxin stated that she should not be running the Board meeting and if someone would like to volunteer to be the Board chairperson Board members may consider that person or just open the floor for nominations.

Mr. McMillan made a motion for Reginal Ecker to be the chairperson.

Mr. Thalman seconded the motion.

The Board vote was unanimous.

Ms. Taxin thanked Mr. McMillan and Mr. Meyers for their service on the Board and for helping resolve the proposed Rules.

Mr. McMillan commented that it has been great to have Ms. Taxin be pro-active in writing the proposed Rules.

Mr. McMillan stated that Layton Cotrell has voiced interest in serving on the Board. He stated that he will contact Mr. Cotrell.

Ms. Taxin stated that she will need a letter of interest and a resume. She stated that Mr. Cotrell may e-mail the information or mail the hard copy to her.

Ms. Taxin stated that she will also need a letter of resignation today from Mr. McMillan in order to get another recommended individual appointed to the Board.

Mr. McMillan responded that he will submit his letter. He stated that he has been requested to chair the Legislative Committee for the Association so will be working with the Board in a different capacity. He stated that Kelly Magleby has done a great job revising the Law and getting it passed but there are a few things that sill need to get through.

Allyn Walker asked if the Association has been requested to submit names as they usually make recommendations of people to service on this Board.

Ms. Taxin responded that the Association was contacted but did not submit any names. She stated that if the Association would like to submit a name they should submit it as soon as possible.

Mr. McMillan stated that he would talk with the Association and get a name to the Division.

NEXT MEETING SCHEDULED FOR: The date the Rules Hearing is scheduled.

ADJOURN: The time is 10:25 am and the meeting is adjourned.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

September 20, 2007
Date Approved

(ss) Reginal V. Ecker
Chairperson, Utah Funeral Service Licensing Board

August 23, 2007
Date Approved

(ss) Noel Taxin
Bureau Manager, Division of Occupational &
Professional Licensing